

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JOHN G. BERYLSON and)	NO. 21-CV-10527-RGS
AMY SMITH BERYLSON,)	
)	
Plaintiffs,)	
)	
V.)	
)	
1100 ARCHITECT, P.C., and)	
DAVID PISCUSKAS,)	
)	
Defendants.)	
)	

**AFFIDAVIT OF COUNSEL, PAUL T. MUNIZ, IN SUPPORT OF DEFENDANTS’
MEMORANDUM IN OPPOSITION TO THE PLAINTIFFS JOHN G. BERYLSON AND
AMY SMITH BERYLSON’S MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, Paul Muniz, declare as follows:

1. I am a partner in the law firm of Donovan Hatem, LLP, and lead counsel for the Defendants, 1100 Architect, P.C. (“1100”) and David Piscuskas, FAIA (“Piscukas”) (collectively, “Defendants”) in this action. I submit this Declaration in Support of the Defendants’ Memorandum in Opposition to the Plaintiffs, John G. Berylson and Amy Smith Berylson’s Motion for Partial Summary Judgment.
2. Attached hereto as Defendants’ Opposition Exhibit 47 is a true and correct copy of the Affidavit of David Piscuskas, FAIA, in support of Defendants’ Memorandum in Opposition to the Plaintiffs, John G. Berylson and Amy Smith Berylson’s Motion for Partial Summary Judgment.
3. Attached hereto as Defendants’ Opposition Exhibit 48 is a true and correct copy of excerpts of the Report of Mike Davis.

4. Attached hereto as Defendants' Opposition Exhibit 49 is a true and correct copy of excerpts of the Deposition of John G. Berylson ("J.B. Tr.") (11.10.22).
5. Attached hereto as Defendants' Opposition Exhibit 50 is a true and correct copy of the February 3, 2020 Email from John Berylson to David Piscuskas with the Subject RE: House on Highgate – January Invoice.
6. Attached hereto as Defendants' Opposition Exhibit 51 is a true and correct copy of excerpts of the Deposition of David Piscuskas, FAIA, Volume I ("Piscuskas Tr.") (11.18.2022).
7. Attached hereto as Defendants' Opposition Exhibit 52 is a true and correct copy of excerpts of the Deposition of Robert Lipson ("Lipson Tr.") (9.29.2022)
8. Attached hereto as Defendants' Opposition Exhibit 53 is a true and correct copy of July 6, 2020 Emails between J. Berylson and C. O'Neill.
9. Attached hereto as Defendants' Opposition Exhibit 54 is a true and correct copy of Plaintiff, John G. Berylson's Responses to Defendants' Second Request for the Production of Documents.
10. Attached hereto as Defendants' Opposition Exhibit 55 is a true and correct copy of April 1, 2020 emails between J. Berylson to C. O'Neill.
11. Attached hereto as Defendants' Opposition Exhibit 56 is a true and correct copy of May 5, 2020 Emails between J. Berylson, C. O'Neill and R. Roberts.
12. Attached hereto as Defendants' Opposition Exhibit 57 is a true and correct copy of a September 21, 2020 Voicemail from J. Berylson.
13. Attached hereto as Defendants' Opposition Exhibit 58 is a true and correct copy of a March 29, 2020 Email from J. Berylson to C. O'Neill.

14. Attached hereto as Defendants' Opposition Exhibit 59 is a true and correct copy of the May 21, 2020 Transcript of a John Berylson voicemail to Rich Roberts.
15. Attached hereto as Defendants' Opposition Exhibit 60 is a true and correct copy of a March 16, 2020 email from Rich Roberts to Amy Berylson and cc'd to John Berylson.
16. Attached hereto as Defendants' Opposition Exhibit 61 is a true and correct copy of a September 2, 2020 Email from Rich Roberts.
17. Attached hereto as Defendants' Opposition Exhibit 62 is a true and correct copy of excerpts of the Deposition of Sarah Seeley ("Seeley Tr.") (Nov. 16, 2022).
18. Attached hereto as Defendants' Opposition Exhibit 63 is a true and correct copy of a January 21, 2020 email and attachment from Bill Wass.
19. Attached hereto as Defendants' Opposition Exhibit 64 is a true and correct copy of a April 27, 2020 Email to Rich Roberts with attachments.
20. Attached hereto as Defendants' Opposition Exhibit 65 is a true and correct copy of a February 3, 2020 Email and attachment sent to John Berylson by Celeste O'Neill.
21. Attached hereto as Defendants' Opposition Exhibit 66 is a true and correct copy of June 13, 2020 text messages between A. Nelson and D. Piscuskas.
22. Attached hereto as Defendants' Opposition Exhibit 67 is a true and correct copy of June 11, 2020 Text messages between D. Piscuskas and J. Gippo.
23. Attached hereto as Defendants' Opposition Exhibit 68 is a true and correct copy of a October 12, 2020 Email from J. Van Horne.

24. Attached hereto as Defendants' Opposition Exhibit 69 is a true and correct copy of a March 20, 2018 Budget Summary.
25. Attached hereto as Defendants' Opposition Exhibit 70 is a true and correct copy of Exhibit 4 to the Deposition of Amy Berylson.
26. Attached hereto as Defendants' Opposition Exhibit 71 is a true and correct copy of excerpts from Amy Berylson Deposition Transcript Vol. II (11.10.2022).
27. Attached hereto as Defendants' Opposition Exhibit 72 is a true and correct copy of Exhibit 1 to the Deposition of Robert Carlson.
28. Attached hereto as Defendants' Opposition Exhibit 73 is a true and correct copy of excerpts from Amy Berylson Deposition Transcript Vol. I (11.10.2022).
29. Attached hereto as Defendants' Opposition Exhibit 74 is a true and correct copy of a May 20, 2020 Email with Transcript of a John Berylson May 20, 2020 voicemail to David Piscuskas.
30. Attached hereto as Defendants' Opposition Exhibit 75 is a true and correct copy of excerpts from the Rich Roberts Deposition Transcript Vol. I (10.19.2022).
31. Attached hereto as Defendants' Opposition Exhibit 76 is a true and correct copy of a May 21, 2020 Email from Rich Roberts.
32. Attached hereto as Defendants' Opposition Exhibit 77 is a true and correct copy of a June 2, 2020 Email from J. Berylson to R. Roberts.
33. Attached hereto as Defendants' Opposition Exhibit 78 is a true and correct copy of a July 6, 2020 Email from J. Berylson to R. Roberts.
34. Attached hereto as Defendants' Opposition Exhibit 79 is a true and correct copy of a July September 21, 2020 Text Message from Rich Roberts to David Piscuskas.

35. Attached hereto as Defendants' Opposition Exhibit 80 is a true and correct copy of a December 30, 2019 Email and attachment from Rich Roberts to John Berylson.
36. Attached hereto as Defendants' Opposition Exhibit 81 is a true and correct copy of a December 31, 2019 Email from John Berylson to Rich Roberts.
37. Attached hereto as Defendants' Opposition Exhibit 82 is a true and correct copy of a May 20, 2020 Email from Rich Roberts to David Piscuskas.
38. Attached hereto as Defendants' Opposition Exhibit 83 is a true and correct copy of a March 22, 2020 Email from John Berylson.
39. Attached hereto as Defendants' Opposition Exhibit 84 is a true and correct copy of a April 1, 2020 Email from John Berylson regarding a BWP Invoice.
40. Attached hereto as Defendants' Opposition Exhibit 85 is a true and correct copy of a April 2, 2020 Email from John Berylson.
41. Attached hereto as Defendants' Opposition Exhibit 86 is a true and correct copy of a April 2, 2020 Email from John Berylson.
42. Attached hereto as Defendants' Opposition Exhibit 87 is a true and correct copy of a May 27, 2020 Celeste O'Neill Response forwarding a May 18, 2020 Rich Roberts Correspondence.
43. Attached hereto as Defendants' Opposition Exhibit 88 is a true and correct copy of a July 6, 2020 John Berylson Correspondence regarding a BWP Invoice.
44. Attached hereto as Defendants' Opposition Exhibit 89 is a true and correct copy of a September 21, 2020 J. Berylson Email to D. Piscuskas.
45. Attached hereto as Defendants' Opposition Exhibit 90 is a true and correct copy of a September 22, 2020 Email from J Berylson to E. Katz.

46. Attached hereto as Defendants' Opposition Exhibit 91 is a true and correct copy of excerpts of the Betty Gonzales Deposition Transcript Volume II (Nov. 7, 2022).
47. Attached hereto as Defendants' Opposition Exhibit 92 is a true and correct copy of Defendant, David Piscuskas, FAIA's Response to Plaintiffs' First Set of Interrogatories to David Piscuskas.
48. Attached hereto as Defendants' Opposition Exhibit 93 is a true and correct copy of a November 4, 2017 Email from Spencer Leaf.
49. Attached hereto as Defendants' Opposition Exhibit 94 is a true and correct copy of excerpts of the Deposition of Spencer Leaf Transcript ("Leaf Tr.") (9.7.2022).
50. Attached hereto as Defendants' Opposition Exhibit 95 is a true and correct copy of a February 8, 2018 Email from B. Carlson
51. Attached hereto as Defendants' Opposition Exhibit 96 is a true and correct copy of a December 9, 2021 Email from J Berylson to C. O'Neill
52. Attached hereto as Defendants' Opposition Exhibit 97 are true and correct copies of the responses received to FOIA Requests.

Signed under the penalty of perjury this 1st Day of May, 2023.

/s/ Paul T. Muniz

Paul T. Muniz

CERTIFICATE OF SERVICE

I, Paul T. Muniz, hereby certify that, on this 1st day of May, 2023, I caused a true and correct copy of the foregoing document to be served upon counsel of record herein via the Court's electronic filing system in accordance with the applicable rules of the Court.

/s/ Paul T. Muniz

Paul T. Muniz